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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

PENELOPE HOUSTON, an individual, GREG)	Case No. C10-01881 JSW
INGRAHAM, an individual, JAMES)	
WILSEY, an individual, and DANIEL)	STIPULATION AND [PROPOSED]
O'BRIEN, an individual,)	ORDER RE: FOURTH EXTENSION
)	OF TIME TO FILE RESPONSE TO
Plaintiffs,)	SECOND AMENDED COMPLAINT
)	
v.)	Hon. Jeffrey S. White, Presiding
)	
DAVID FERGUSON, an individual dba CD)	(E-Filing)
PRESENTS, BURIED TREASURE MUSIC)	
and ANARCHY ANTHEMS; BURIED)	
TREASURE MUSIC, BURIED TREASURE)	
INC., a Corporation of unknown jurisdiction;)	
INDEPENDENT ONLINE DISTRIBUTION)	
ALLIANCE, INC., a California Corporation;)	

1 TUNECORE, INC., a Delaware Corporation;)
 2 and RHAPSODY INTERNATIONAL, INC., a)
 3 Delaware Corporation,)
 4 Defendants.)

5 Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and Rule 6-1(a) of the Civil
 6 Local Rules of the United States District Court, Northern District of California, Plaintiffs
 7 PENELOPE HOUSTON, an individual, GREG INGRAHAM, an individual, JAMES WILSEY, an
 8 individual, and DANIEL O'BRIEN, an individual (collectively, "Plaintiffs"), on the one hand, and
 9 Defendant DAVID FERGUSON, an individual ("Defendant"), on the other hand, hereby agree and
 10 stipulate as follows:

11 WHEREAS, Plaintiffs filed a Second Amended Complaint on January 21, 2011; and

12 WHEREAS, Plaintiff and Defendant Ferguson previously stipulated, and this Court
 13 ordered on March 10, 2011, that Defendant Ferguson's response to the Second Amended
 14 Complaint is due by March 28, 2011; and

15 WHEREAS, this is the fourth request for extension of the date by which Defendant shall
 16 file a responsive pleading; and

17 WHEREAS, the parties are actively engaged in settlement discussions in an attempt to
 18 resolve their dispute; and

19 WHEREAS, Rule 6-1(a) of the Civil Local Rules of the United States District Court,
 20 Northern District of California, permits the parties to extend the time within which to answer or
 21 otherwise respond to a complaint by stipulation in writing and without a Court order, provided the
 22 change will not alter the date of any event or any deadline already fixed by Court order; and

23 WHEREAS, Plaintiffs and Defendant agree that the extension of time for Defendant to file
 24 a responsive pleading to the Second Amended Complaint will not alter the date of any event or any
 25 deadline already fixed by Court order; and

26 WHEREAS, Plaintiffs and Defendant agree that the date by which Defendant shall file a
 27 responsive pleading should be extended to April 11, 2011, to allow the parties time to discuss
 28 settlement;

1 NOW THEREFORE, Plaintiffs and Defendant, by and through their respective
2 undersigned counsel, hereby stipulate as follows:

3 1. The time for Defendant David Ferguson to file a responsive pleading to the Second
4 Amended Complaint shall be extended to and including April 11, 2011;

5 SO STIPULATED.

6
7 Dated: March 25, 2011

LAW OFFICE OF ALAN KORN

8 By: /Alan Korn/

9 Alan Korn

10 *Attorneys for Plaintiffs*

11 *PENELOPE HOUSTON, GREG INGRAHAM,*
JAMES WILSEY and DANIEL O'BRIEN

12 IDELL & SEITEL LLP

13 Dated: March 25, 2011

14 By: /Richard J. Idell/

15 Richard J. Idell

16 *Attorneys for Defendant DAVID FERGUSON*

17 **ATTESTATION OF CONCURRENCE**

18 I, Richard J. Idell, as the ECF user and filer of this document, attest that, pursuant to
19 General Order No. 45(X)(B), concurrence in the filing of this document has been obtained from
20 Alan Korn, the above signatory.

21 Dated: March 25, 2011

22 By: /Richard J. Idell/

23 Richard J. Idell


24 **~~PROPOSED~~ ORDER**

25 PURSUANT TO STIPULATION, IT IS HEREBY ORDERED that:

26 1. Defendant David Ferguson shall file a responsive pleading to the Second Amended
27 Complaint no later than April 11, 2011.

28 **IT IS SO ORDERED.**

Dated: March 25, 2011


Hon. Jeffrey S. White
Judge of the United States District Court
Northern District of California